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C O N F I D E N T I A L TASHKENT 000254

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DEPT FOR INL ANDREW BUHLER AND NORIS BALABANIAN; EUR/ACE  
FOR DEAN FISCHER AND RICK STODDARD  
DOJ/OPDAT FOR CATHERINE NEWCOMBE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KCRM](#) [ICRC](#) [EAID](#) [UZ](#)  
SUBJECT: DEPUTY INTERNAL AFFAIRS MINISTER OF UZBEKISTAN ON  
HUMAN RIGHTS AND LEGAL REFORM

REF: A. TASHKENT 253  
[1](#)B. 07 TASHKENT 2024

Classified By: Political Officer Tim Buckley for reasons 1.4 (B) and (D)  
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[1](#)1. (C) Summary: On February 26 the Ambassador met with Deputy Minister of Internal Affairs Alisher Sharafutdinov to discuss recent progress and next steps on human rights, legal reform, and ICRC prison visits. The Uzbek side invited journalists to the meeting and interviewed the Ambassador on camera immediately afterwards, which may be an effort to highlight improved ties with the West in advance of an international conference in Tashkent next week that will feature high-level Uzbek representation. Sharafutdinov conceded that Uzbekistan "made some mistakes" in its early years of independence but described the recent abolition of the death penalty and the introduction of a habeas corpus law as important steps in Uzbekistan's development. Sharafutdinov, himself an attorney, was open to the prospect of U.S. assistance in helping to implement habeas corpus and positively assessed the previous impact of the American Bar Association Central Europe and Eurasian Legal Initiative (ABA-CEELI) in "introducing world standards" to Uzbekistan. He revealed that the Government of Uzbekistan agreed to terms with the ICRC to resume prison visits as of March 15 (reftel A). Sharafutdinov also said there will be another amnesty in March and, despite calling U.S. requests to release prisoners "difficult," added that "there is still time" to consider these cases. The Uzbeks are attaching importance to the upcoming conference as a platform to tout progress; we will try to use it to encourage further progress on human rights and to identify opportunities to regain a foothold in legal reform assistance. End summary.

## Background

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12. (C) Post submitted a diplomatic note to the Ministry of Foreign Affairs (MFA) on February 1 requesting a meeting between the Ambassador and Deputy Minister of Internal Affairs Sharafutdinov, who has worked well with the embassy in the past. Poloff was granted a meeting with Sharafutdinov on February 21 to discuss trafficking in persons issues and, after personally inquiring about the status of the request, MVD took steps the same day to set up the meeting for the Ambassador on February 26. However, the Ministry of Internal Affairs (MVD) International Relations Department asked numerous questions about the Ambassador's motivations for the meeting and noted that he already met Minister of Internal Affairs Matlyubov (reftel B). (Comment: Others in the Government of Uzbekistan, including Minister Matlyubov, might be jealous that we sought out Sharafutdinov; however, judging by the warm reception and the media attention, it appears the Uzbeks decided such a meeting could be used to their advantage in promoting next week's high-profile conference on law enforcement and human rights. End comment.)

## On the Death Penalty

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13. (C) Sharafutdinov noted the Government of Uzbekistan is very proud of its decision to abolish the death penalty, and he resisted the temptation to criticize the U.S. for not taking similar action, as other Uzbek officials are quick to do. He noted that there was "a lot of serious discussion" before the decision was made in 2005, and he estimated that

at that time "more than 50 percent of our population did not support the abolition of capital punishment." However, now that the law has taken effect, "more than 90 percent support the decision." He added that the Government of Uzbekistan decided that punishment should help achieve the goal of reintegrating repentant criminals into society. Sharafutdinov also said taking a person's life is an irreversible decision that does not allow a court to correct mistakes. He also added that recidivism rates are down since the liberalization of the Uzbek Criminal Code in 2001 and 2002 which shortened many sentences.

## On Habeas Corpus

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14. (C) Sharafutdinov emphasized the importance of a new law that transferred more powers to the judiciary and away from the investigators, calling it "a fundamental change of our entire criminal justice system." He said the law, which took effect on January 1, helps move Uzbekistan's legal system away from the model inherited in the wake of the October Revolution in Russia and more towards American and European standards. He said it ensures more integrity into the investigation process by forcing investigators "to have more substantive reasons for making arrests," and he said they are already more careful about obtaining permissions before arresting suspects. He hailed the "openness" the law brings into the criminal justice system and said, compared to the same period a year ago, there have already been fewer appeals to courts among those arrested about violations in the investigative process. However, he conceded that "the law is still new" and it will take some time to iron out all the issues. He added that another draft law specifically focusing on investigation operations will further help Uzbekistan to "strike the balance between protecting the rights of criminals and fighting crime."

## A Break from the Past

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15. (C) When asked about whether Uzbekistan was incorporating any pre-Soviet, Central Asia-specific legal traditions following independence, Sharafutdinov immediately shook his head and said no. He stressed that the Government of

Uzbekistan sees itself as "developing a new state" and "needs to take legislation in a new direction." With remarkable candor for an Uzbek official, he said "there were mistakes early on" which resulted in some legal practices "that were less than the international standard." He noted that habeas corpus-type legislation was not enacted in the 1990s "because there were many opponents to it before." However, he says over the years the mood has changed and, although some Soviet traditions remain, the Uzbeks can still "fully reconsider" aspects of its legal system.

U.S. Training Assistance Welcome...

16. (C) Sharafutdinov clarified that, from the Uzbek perspective, it does not matter that some Western countries may have common law traditions or practices rooted in the Napoleonic Code. He specifically stated that the American experience is relevant and applicable for Uzbekistan as it continues to develop. He said the recent law with habeas corpus elements is close to the American and German legal systems. Even though there may be differences, he continued, "many characteristics are close to each other." Besides, he

argued, Uzbekistan should get exposure to many different countries' approaches in order to implement suitable policies that fit a "world standard." As a lawyer, he recalled that American assistance has already been valuable in the past and would still be useful.

...Maybe Even From ABA-CEELI

17. (C) The Ambassador noted that ABA-CEELI previously worked in Uzbekistan and asked whether the Government of Uzbekistan thought it could be useful to work with them again. Sharafutdinov acknowledged that ABA-CEELI "did much work to teach the norms of international law." He described the previous cooperation with ABA-CEELI as "strong," and noted that Uzbek legal officials are still using some texts and documents provided by the organization. He pointed out that the decision to welcome ABA-CEELI back was not his, but noted "any help would be good." (Comment: It is true that the decision would be made at a higher level, but Sharafutdinov would not likely have gone out on a limb and implied that ABA-CEELI could contribute unless he felt it was safe to say so. ABA-CEELI and other U.S.-supported programs were instrumental in getting the Uzbeks to consider new habeas corpus legislation. End comment.)

ICRC Prison Visits a Go

18. (C) Sharafutdinov was waiting for a question about the International Committee of the Red Cross (ICRC) resuming prison visits (even though it was not on the stated agenda), and he announced that the two sides had reached a deal to resume prison visits on March 15 (ref A). This is a potentially major positive development on the human rights front, and organizers of next week's Open Dialogue law enforcement and human rights conference -- which will feature U.S. and European legal experts as well as high-ranking Uzbek officials -- just announced that ICRC representatives and Deputy Minister of Internal Affairs Shadiev (who is responsible for administering penitentiaries) have been added to the panel discussions. (Comment: This could portend that the Government of Uzbekistan, which is co-sponsoring the conference through its Foundation on Regional Policy, will promote the significance of the agreement at the conference, despite ICRC concerns about confidentiality. End comment.) Sharafutdinov summarized that the ball is in ICRC's court, and he reminded us that "despite misunderstandings," cooperation with ICRC on education and training programs was never suspended.

Another Amnesty in March

¶9. (C) The Ambassador observed that the recent release of some prisoners of interest to the international community had elicited a positive reaction from Western audiences. Sharafutdinov, who flashed a genuine smile upon hearing encouraging words, then sighed audibly when the Ambassador presented a list of 23 prisoners of interest to the U.S., including some who had been on the EU's list. He noted "we cannot release people who have violated our laws just because the international community tells us to." Upon scanning the list, he specifically noted the case of Mutabar Tojiboyeva, who he says is an example of a "difficult case" since she has consistently violated rules in prison. (Note: We have heard reports that, unlike other prisoners who received amnesty,

she has refused to sign a confession. End note.) However, he said there would be another amnesty in March and that "there is still time" to take the U.S.-provided list into consideration. He called it "a difficult situation," but said he understands that "this affects Uzbekistan's image in the world." (Note: DCM also hand-delivered a copy of the U.S. list of prisoners of interest to the Ministry of Foreign Affairs during a concurrent meeting with Americas Division Chief Mamajanov. End note.)

Comment  
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¶10. (C) Sharafutdinov, who led the Government of Uzbekistan delegation to last fall's meeting of the United Nations Committee on Torture in Geneva, came across as enlightened and interested in reform. The Uzbeks seem to be stepping up efforts to make -- and promote -- some positive steps forward on human rights. Positive reinforcement from the West in response to prisoner releases and other good news, as well as the backdrop of possible renewed sanctions, both appear to be playing a role. The Government of Uzbekistan is clearly attaching significance to the upcoming Open Dialogue conference. We will try to use it to encourage more progress on human rights as well as identify opportunities to regain a foothold for legal reform assistance efforts.

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